

REMARKS

With entry of this Amendment and Response, claims 1-56 are pending in the above-referenced application. In this Amendment and Response, claims 1, 11, 12, 22-27, and 42-44 are amended. Claims 21 and 41 are cancelled. Claims 51-56 are added. Claims 51-56 are supported throughout the specification including page 4, paragraph [0062]. Claims 1-20, 27-40 and 44 are rejected under 35 U.S.C. § 112, second paragraph. Claim 44 is rejected under 35 U.S.C. § 102(b). Claims 45-50 are allowable.

Applicants thank the Examiner for not making the present action final.

Allowable Subject Matter

Claims 21-26 and 41-43 are objected to as depending from a rejected claim. Claims 1 and 27 are amended. Claims 21-26 are dependent on claim 1. Claims 41-43 are dependent on claim 27. The objection as to claims 21-26 and 41-43 is thereby obviated by amendment.

35 U.S.C. §112

Claims 1-20, 27-40, and 44 are rejected under 35 U.S.C. § 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicants regard as the invention. Applicants respectfully traverse the rejection. Claims 1, 27, and 44 have been amended to read "... an endotoxin content of less than about 100 equivalent units per gram of dry water soluble chitosan." The amendments are supported throughout the specification including at page 1, paragraph [0007]. As amended, the claims provide a standard for ascertaining the requisite degree of endotoxin content, rendering them allowable under 35 U.S.C. § 112, second paragraph.

Claims 2-20 depend on claim 1 and claims 28-40 depend on claim 27. The argument presented above is incorporated here by reference. Consequently, these claims are rendered allowable under 35 U.S.C. § 112, second paragraph.

35 USC §102b

Claim 44 is rejected under 35 USC §102b as being anticipated by JP362184002A, hereinafter referred to as "JP002". Applicants respectfully traverse the rejection. Claim 44 has

been amended to read "... an endotoxin content of less than about 100 equivalent units per gram of dry water soluble chitosan." The amendment is supported throughout the specification including at page 1, paragraph [0007].

Under 35 U.S.C. §102, "A claim is anticipated only if each and every element as set forth in the claim is found, either expressly or inherently described, in a single prior art reference." *Verdegaal Bros. v. Union Oil Co. of California*, 814 F.2d 628, 631, 2 USPQ2d 1051, 1053 (Fed. Cir. 1987). Applicants respectfully asserts that JP002 does not teach all of the elements of amended claim 44. Specifically, JP002 does not teach a water soluble chitosan having an endotoxin content of less than about 100 equivalent units per gram of dry water soluble chitosan. Consequently, JP002 fails to teach or suggest all the elements of claim 44.

Response to Arguments

Applicants respectfully submit that the presently pending claims of the above-referenced application are patentable over the cited reference. Examination and consideration of the application with entry of the currently submitted amendments is requested, and allowance of claims 1-56 at an early date is respectfully solicited.

In view of the above amendments and remarks, Applicant respectfully requests a Notice of Allowance. If the Examiner believes a telephone conference would advance the prosecution of this application, the Examiner is invited to telephone the undersigned at the below-listed telephone number.



Respectfully submitted,

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Date: September 6, 2005

A handwritten signature in black ink, appearing to read "Daniel M. Pauly". The signature is written in a cursive, flowing style.

Daniel M. Pauly
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